

EXHIBIT 5

The Honorable Tana Lin

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Bungie, Inc., a Delaware Corporation;

Plaintiff,

vs.

Elite Boss Tech, Inc., a Canadian Corporation,
et al

Defendants

Case No.: 2:21-CV-01112-TL


**Custodian of Records Affidavit for Elite
Boss Tech, Inc.**

I, Robert James Duthie Nelson, who first being duly sworn or affirmed by me, under penalty of perjury, state as follows:

1. My name is Robert James Duthie Nelson. I am over the age of 18 and fully competent to make this affidavit. The facts stated herein are true and correct and are based on my personal knowledge.
2. I am the custodian of the records of Elite Boss Tech, Inc. whose address is located in Montreal, Quebec Canada.
3. Previously, Elite Boss Tech, Inc.'s attorney sent an email dated July 17, 2022, to Ms. Kathryn Tewson. Two files were attached to that email and were named "Redacted

emails and attached files.zip” and “Bungie email response 07-15-2022.docx”. The .zip file included several individual electronic files that were compressed so that they could be sent by email.

4. These two files and all individual files provided in the .zip file are records that are kept by Elite Boss Tech, Inc. in the regular course of business.
5. It is the regular practice of Elite Boss Tech, Inc. for me, as the person in the company with knowledge of any act, event, incident, order, transaction, invoice, condition, photo, video recording, audio recording, opinion, or diagnosis, to make the record, or to transmit information thereof to be included in the record.
6. The two files and the included documents or records were made at or near the time of occurrence of the matters set forth by me, or from information transmitted by me, as a person with knowledge of those matters.
7. The two files and the included documents or records are the originals or exact duplicates of the originals.


Robert James Duthie Nelson

SUBSCRIBED AND SWORN TO OR AFFIRMED before me on the 26 day of July 2022, by Affiant Robert James Duthie Nelson

Robert Rapp Notary
Notary Public Robert RAPP, NOTARY
(514) 842-8183
JULY 26, 2022
my commission is for life.
My commission expires

